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PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 08 APR 2004

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Applicant's or agent's file reference AWN/CKY76	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/GB 03/00111	International filing date (day/month/year) 13.01.2003	Priority date (day/month/year) 14.01.2002
International Patent Classification (IPC) or both national classification and IPC E05B47/00		
Applicant MILA HARDWARE LIMITED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability



IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 12.08.2003	Date of completion of this report 07.04.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Perez Mendez-Castril Telephone No. +31 70 340-4091 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/00111

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-11 as originally filed

Claims, Numbers

1-25 as originally filed

Drawings, Sheets

1/16-16/16 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/00111

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:
- ☐ the entire international application,
 - ☒ claims Nos. 23
because:
 - ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):
 - ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 23 are so unclear that no meaningful opinion could be formed (*specify*):
see separate sheet
 - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☐ no international search report has been established for the said claims Nos.
2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the Standard.
 - ☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	8,12-17,20-22
	No: Claims	1-7,9-11,18,19,24,25
Inventive step (IS)	Yes: Claims	
	No: Claims	1-22,24,25
Industrial applicability (IA)	Yes: Claims	1-22,24,25
	No: Claims	

2. Citations and explanations

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/00111

see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The term "substantially as herein described, with reference to the accompanying drawings" in claim 23 is not clear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject matter of said claim unclear (Article 6 PCT). Consequently, no opinion will be formulated with respect to novelty, inventive step or industrial applicability with respect to claim 23.

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: US-A-5 474 348 (PALMER RALPH P ET AL) 12 December 1995 (1995-12-12)
D2: US-A-5 791 179 (BRASK JAMES E) 11 August 1998 (1998-08-11).
D3: EP-A-0 657 606 (WILHELM DÖRRENHAUS GMBH & CO KG) 14 June 1995 (1995-06-14)
D4: DE 100 28 176 A (DORN MICHAEL) 13 December 2001 (2001-12-13)
D5: US-A-4 936 122 (OSADA SHUNICHI) 26 June 1990 (1990-06-26)
D6: US-A-4 390 197 (BUTTS LAWRENCE D) 28 June 1983 (1983-06-28)

2. The present application does not meet the requirements of Article 33(2) PCT, because the subject-matter of claim 1 is not new for the following reasons:

Document D1 (see col 5, lines 13-44; fig. 1) discloses:

A locking mechanism [mortise lockset 11] for use with at least one door and/or window of a structure, the mechanism (11) comprising at least one operating handle [inside door handle (not shown) and outside door handle (41)] and at least one electrical operating device [remote control operated motorized actuator (10)]. Consequently, the features of claim 1 are known from D1.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB03/00111

- 2.1 The locking mechanisms described in D2 to D6 disclose also all the features of claim 1 and they are also novelty destroying document for claim 1.
3. Dependent claims 2-7, 9-11, 18, 19, 24 and 25 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty, because the subject-matter of these claims is also known in combination from the cited documents D1-D6.
4. Dependent claims 8, 12-17, 20-22 do not seem to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to inventive step (Article 33(3) PCT) as these features are already known from the cited documents or are merely a matter of normal design procedure.
